



## Forest Heights Police Department Policy and Procedures Manual

Subject:	Arrest Procedures and Warrant Services			
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### A. Purpose

To establish Forest Heights Police Department (FHPD) policy and procedures when making arrests and serving warrants.

### B. Precautionary Measures - Arrest

1. In making an arrest, an officer must use discretion regarding his own safety and the security of a prisoner, always remembering that he is responsible for the prisoner, and for doing whatever is necessary to deliver the prisoner safely. The following general rules should always be kept in mind whenever an arrest is made:
  - a. Whenever feasible, officers should obtain assistance to arrest a person known or believed to be armed or dangerous.
  - b. Guard against carelessness when making an arrest, watch the prisoner's every move. Be alert and treat every case individually.
  - c. Always consider the possibility of the accused being armed; take no chances whatsoever, even after the prisoner has been carefully searched.
  - d. Prevent a prisoner from putting his hands in his pockets at anytime. A prisoner should be warned against doing this immediately upon being arrested. NOTE: A prisoner may use even the most seemingly innocent object as an offensive weapon against an officer.
  - e. Never underestimate the person arrested; the apparently harmless may be the most dangerous.
  - f. Keep a prisoner before you; maintaining physical control. Never allow a prisoner to stand behind you, or at your side where he may seize your gun or instruments which could be used as weapons.
  - g. Avoid unnecessary conversation with a prisoner; give orders with authority, brevity and clarity.
  - h. Command the situation. Don't antagonize a prisoner or handle a prisoner with unnecessary roughness.
  - i. Whenever an arrested person is interrogated, fingerprinted, palm-printed, photographed, or subjected to a chemical test at a police station, all personnel involved will secure their weapons in the weapons locker, or in some other locked secure location.
  - j. Officers will use the appropriate method of restraint, i.e., handcuffs, flexicuffs, etc. The method chosen should establish a safe atmosphere for the officer considering the circumstances of the incident, behavior of the arrestee, etc.
  - k. Arrested persons who are violent or have a propensity toward violence will be restrained with the issued violent prisoner restraining device to provide control and prevent injury to the person or the arresting officer and prevent damage to FHPD equipment, i.e., vehicle dashboard, radio, electronic equipment, etc.

**C. Force in Making an Arrest**

1. An officer should use only such force as may be necessary to take a prisoner into custody. If an officer is resisted, the officer may repel force with force. Officers are not justified in striking or arresting a person who merely objects to their proper performance of duty, although a person who actually interferes with such performance of duty may be arrested. Officers are not privileged to strike a prisoner who merely holds back but who is not otherwise resisting arrest. Officers must always maintain control of their tempers and never allow themselves to be provoked by rude or uncivil language. However, if the offense is of an aggravated character, or any assault is made or attempted on their person, they are authorized to arrest the offender and charge breach of peace or assault as circumstances warrant. In every case where a prisoner is charged with an assault upon an officer, a report must be completed and submitted by the officer involved. A photograph of an injury sustained by an officer should be taken and submitted with the report.
2. Detailed Report and Use of Force Form. Whenever a prisoner is injured during an arrest or while in custody, a Detailed Report explaining the circumstances resulting in the suspect's/prisoner's injury will be the responsibility of the involved officer, or if in custody, by the officer responsible for the suspect's care. In all circumstances, the Detailed Report, photographs, and related documents, will be submitted immediately, through channels, to the officer's supervisor. The supervisor will then forward it only to the FHPD Chief. A photograph of an alleged injury sustained by a prisoner should be taken and submitted with the Detailed Report. Additionally, when the level of force used during an arrest, or while a suspect is in custody, is greater than that normally required to handcuff a suspect, each officer who used such force will complete a Use of Force Form and forward the original to the FHPD Chief. Completing a Use of Force is required but not limited to situations where the following are used:
  - a. chemical agents, such as, oleoresin capsicum;
  - b. empty hand control techniques;
  - c. other control technique used to subdue the suspect; and
  - d. intermediate weapons, e.g., ASP Baton, PR-24 Baton, metal flashlight or electronic control device (Taser).
3. After making an arrest, the officer must not undertake to adjudicate the case, as that is the duty of others designated by law for that purpose. The officer's duty is to deliver the accused to the appropriate facility as soon as possible.
4. A prudent officer, in making an arrest, should always consider the enormity of the crime and the character of resistance, and use only such force as may be necessary to overcome any resistance and make the arrest.
5. The forcing of an outer door is generally so violent and dangerous a proceeding that it must never be resorted to except in extreme cases and when an immediate arrest is necessary. Except for fresh pursuit situations, doors will not be forced in arrest situations where the individual to be arrested is only suspected to be at a location which is not the property of the arrestee. Under these circumstances, a search warrant would be necessary to conduct a search for the individual to be arrested.
6. Even when a person is subject to arrest, he still has the right not to have the door to his home unnecessarily broken. He also has the right not to have strangers come into his house without advance warning. Further, unannounced entry into the house may result in unnecessary injury to the officer by an occupant who believes he is exercising his right to protect his house from an unlawful entry.
7. Except in special circumstances, when making an arrest of a person in a building, the officer should knock on the door, identify himself as a FHPD officer there to make an arrest and demand that the person inside open the door. Only if there is no answer, or a refusal to open the door after a reasonable lapse of time, should the officer enter without the door being opened for him. Even when he does enter on his own, the officer should try to do as little damage as possible.
8. Exceptions to the above are where the arresting officer has good reason to believe that making the announcement might help the suspect to escape, constitute a source of danger to other persons (such as hostages) inside the house or to the arresting officer himself, or help the

suspect destroy evidence. When an officer does enter without announcement and demand, it is imperative that the officer carefully record in detail in his report the surrounding circumstances and the reasons for this kind of entry so that he will be prepared to testify in court about it.

9. Failure to follow the general rule requiring announcement before entry, may turn an otherwise valid arrest into an invalid one and result in the exclusion of evidence as well as the civil or criminal liability against the arresting officer.

#### **D. Search Incident to an Arrest**

1. The law permits the search of a lawfully arrested person to prevent the destruction of evidence, insure the safety of the arresting officer and prevent possible harm to the arrestee or others. These areas are more thoroughly discussed in the section dealing with search and seizure.
2. An officer will, absent exigent circumstances, perform a thorough and systematic search of a person placed under arrest at the earliest possible time. An officer will make every possible attempt to make this search prior to transporting an arrested person. The following property shall be taken from the arrestee:
  - a. Property carried unlawfully;
  - b. Property lawfully carried, but dangerous to life or would facilitate escape; and
  - c. Evidence.
3. FHPD officers taking temporary custody of a prisoner will, prior to transport, detention, interview or interrogation, conduct a search of the person regardless of a previous search.
4. When a prisoner is brought into the FHPD station, a supervisor or other officer will insure that the weapons of officers in the same room with the detainee are secured in the holding locker. Prior to removing restraining devices, the supervisor will search the prisoner or, in his presence, insure the prisoner is searched. Such a search will be in addition to the search at the time of arrest.
5. Search of Females - The arresting officer will exercise the same diligence in searching female prisoners for concealed weapons or other dangerous instrumentalities as exercised with male prisoners. The scope of such searches, however, must be consistent with the crime, the circumstances surrounding the arrest and the character of the arrestee. After the female is in custody and properly restrained, all subsequent searches will be conducted in conformance with the following policies:
  - a. As a general rule, female prisoners will be searched by female police officers. Every reasonable effort will be made to anticipate the arrest of females and to arrange for the presence of a female police officer.
  - b. Civilian personnel will not normally be utilized to search prisoners and will not be ordered to do so. Any time a civilian employee conducts a search, a police officer will be present to ensure the safety of the employee.
  - c. Strip searches will be conducted only in conformance with the rules set forth elsewhere in the FHPD Policies and Procedures Manual (Manual).
  - d. The search of body cavities will be conducted only in conformance with the rules set forth elsewhere in the Manual.
6. FHPD officers and civilian personnel will not, unless absolutely necessary, visit prisoners of the opposite sex unless accompanied by a witness.

#### **E. Transportation of Prisoners**

1. When transporting prisoners every officer will employ the proper restraining devices and methods as instructed by Maryland Police Training Commission. The number of officers present, the physique and stature of the arrested person, his reputation for violence, his conduct at the time of arrest, known arrest record or the lack thereof, will help determine the type of

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restraining device and restraining technique to be used. The safe delivery of the arrested person must be accomplished; however, the safety of the arresting officer is the primary concern. Handcuffs and other devices are merely temporary controls and the arresting officer must maintain a close guard over the subject at all times.

2. All individuals in custody will be restrained through the use of handcuffs or flex-cuffs utilized to the rear, except under the following circumstances:
  - a. when precluded by physical deformity or injury;
  - b. during a lengthy transport, such as across the state or through multiple jurisdictions;
  - c. when prohibited by court order; or
  - d. when the arresting officer determines that handcuffing to the rear would be detrimental to the exchange of information deemed necessary by the officer.
3. When transported in a patrol vehicle equipped with a rear seat cage, the prisoner will be placed inside the caged area. In other circumstances, and if deemed advisable by the officer, a prisoner will be properly restrained and situated in the right front seat wearing the seat belt and shoulder harness; and if more than one prisoner is transported, an additional officer will sit behind the driver to increase security.
4. Whenever possible, female prisoners who are in the custody of a male officer, should be accompanied by two officers when transported by patrol vehicle. In all cases the female's name, time commencing the journey, odometer reading, location and destination must be reported by radio. Upon arrival at the destination, the time and odometer reading will again be recorded on the appropriate log.

#### **E. Detention of Persons Arrested**

1. Any person in the custody of the FHPD may, prior to the time that a statement of charges is completed or a warrant is issued, be incarcerated in the detention facility at the request of a FHPD officer.
2. Persons arrested by FHPD officers will be transported by FHPD officers to either the Hyattsville or the Upper Marlboro, Prince George's County Detention Center. The fingerprinting and photographing process of arrestees will be done by the Detention Center personnel.
3. Whenever a defendant is arrested without a warrant, the County Detention Center personnel shall prepare a statement of charges against the defendant. The Detention Center personnel should insure the defendant receives a copy of the statement of charges prior to the defendant's release, incarceration, etc.

#### **F. Arrest Processing**

1. Officers making an arrest will process the prisoner at the Prince George's County Detention Center (Hyattsville or Upper Marlboro Detention Center). Officers making an arrest will conduct the following procedures:
2. Check to see if the subject has ever been arrested and obtain his identification number, which will be used on the photograph and on the arrest report. If the arrestee has never been assigned an I.D. number, then a new number will be used.
3. Call the arrest unit or follow outlined procedures amended by Prince Georges County Police Department and request an arrest number which goes on the right hand portion of the arrest report above the block for the CCN number.
4. All information is to be filled in on the arrest report. Do not leave blank spaces - enter N/A in those blocks where appropriate. Make sure the "Docket Number" is placed on the report in the appropriate block (adults only),
5. All reports must have the officer's signature in the appropriate box. This must be written not printed. There is a box for the officers printed name, block #16.

6. The narrative of the report must be detailed; and a complete probable cause statement must be filled out. Use report supplements if more space is needed.
7. Officers are reminded to complete the lower portion of the report (blocks 24-27), especially the "status of defendant" section. Ensure this section is completed.
8. Officers are reminded that there must be an initial report turned in with the prints. If there are no crimes against person or property report to be turned in then an Incident Report must be written outlining the circumstances behind the arrest. An example of this is where the officer is only conducting warrant service.

#### **G. Juvenile Arrests**

1. When a juvenile is arrested for either a misdemeanor or felony, the arresting officer will complete an arrest report that will have the complete probable cause statement ;written into the narrative. Officers will use supplement reports if required to continue the narrative.
2. Officers also complete the initial report and all other necessary reports that are required.
3. A complainant will sign the arrest report at the bottom of the form when the complainant is pressing charges. A copy of each report will be forwarded to the juvenile division along with the arrest report.
4. The States Attorney's Office will prepare all juvenile petitions and file them with the Circuit Court. When the arresting officer releases a juvenile to the parents/guardian, the officer will prepare a recognizance form, giving the parent/guardian the goldenrod copy of the form.
5. When a juvenile is taken into custody, the juvenile may be placed in detention or shelter care prior to a hearing if:
  - a. Such action is required to protect the juvenile or persons and property of others;
  - b. The juvenile is likely to leave the jurisdiction of the Court; or
  - c. There are no parents, guardian, or custodian or other person able to provide supervision and care for the child and return him to court when required.
6. The arresting officer should request detention for serious repeat offenders and those arrested for robbery, burglary, breaking and entering, sexual offenses, assault with intent to murder, and arson offenses.
7. If the officer determines detention is necessary, the juvenile will be delivered to Juvenile Court before 3:00 P.M., Monday-Friday. The arrest report and copies of all other reports will be included.
8. If detention is required any other time, the juvenile and all appropriate paperwork will be taken to Juvenile Services Intake Department, Boys Village in Cheltenham, tour office.

#### **H. Juvenile - Motor Vehicle Offense**

1. A juvenile under the age of 16 who commits any motor vehicle offense will be processed by a form J-2, or an arrest form: These forms will be sent to the Prince George's County Police Juvenile Section for processing.
2. A juvenile 16-18 years of age will be processed on a Uniform Traffic Citation.

#### **I. Juveniles - Minor Offenses**

1. If an officer receives a complaint of a larceny committed by a juvenile where the property taken was valued at \$10 or less, then the officer should counsel the juvenile and turn the juvenile over to the parents/guardian to be disciplined. All proper paperwork will be filed with the exception of an arrest report. The employee will use a Form J-2 for the contact.
2. If the victim does not agree with the officer's decision, or if the juvenile is a repeat offender, or if the parents/guardian of the juvenile are not responsible, then the juvenile should be

processed as an arrestee.

**J. Juveniles - Citizen Complaints of Misdemeanors not Committed in the Presence of an Officer**

1. If a citizen complains of a misdemeanor committed by a juvenile, but not in the presence of an officer, the officer should investigate the complaint and file a report of investigation.
2. The officer should contact the juvenile and ask the juvenile of the circumstances of the case. If the officer has probable cause to believe that the juvenile did commit the offense and the conditions of Article 27, Section 594B are met, the officer may arrest the juvenile and complete the arrest record and other pertinent forms. When a juvenile is interrogated the juvenile's parent or guardian must be present.
3. If the conditions of Article 27, Section 594B are not met, then the officer should direct the complainant to contact the States Attorney Juvenile Division (301) 952-3516, to file a complaint. Officers will not direct the complainant to the Department of Juvenile Services.
4. If an officer plans to arrest a juvenile at night who is alleged to have committed a misdemeanor not in the presence of the officer, the officer should prepare an affidavit of probable cause and present that to an Assistant State's Attorney assigned to the Juvenile Division, who will then present the affidavit to a Circuit Court Judge to obtain a Writ of Attachment.
5. An employee should not arrest a misdemeanant at home at night without a writ of attachment issued by a Circuit Court Judge.

**K. Juvenile Interviews**

1. When necessary to interview a juvenile in custody, the juvenile's parents, guardian, or attorney should be present before any statements are taken.
2. Prior to interviewing a juvenile, the officer should give the juvenile a full Miranda warning as well as a written waiver of rights form signed by the juvenile prior to questioning. The form should be signed and dated by the juvenile's parents or custodian.
3. Officers should make every effort to contact the parents or custodian of an arrested juvenile as soon as the officer arrives at the station.
4. Reminder: If the officer does not have a complete probable cause statement written into the narrative of the arrest report, then the officer will be summoned to the States Attorney's Office.

**L. Warrant Service**

1. Officer safety will be a high priority when FHPD officers serve a warrant. Serving a warrant has the potential of being a dangerous situation.
2. The proper number of officers deemed required, no less than two, will be present when the FHPD serves a warrant.
3. Motor vehicle warrant for a resident of the Town of Forest Heights
  - a. At the officer's discretion, the officer may telephone the person for whom the warrant was issued and request the subject of the warrant come to the FHPD office to process the serving of the warrant.
  - b. If the person does not report to the FHPD office at the agreed upon time, the warrant will be served at the persons home. The person will be transported to the appropriate detention facility securely handcuffed per standard operating procedures and training.
4. Criminal Warrants

Persons served a warrant for a criminal offence should be considered a potential threat to officers and other persons with whom they may have contact. For all such instances the person will be handcuffed and placed in the patrol vehicle rear seat caged area.